

Statement of
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Ranking Democrat, House Subcommittee on
Telecommunications and the Internet
Oversight Hearing on Digital TV Transition
June 2, 2004

Good Morning. I'd like to commend Chairman Upton for calling this hearing today to further explore issues related to the transition to digital television (DTV). In critical ways, this Subcommittee was instrumental in beginning the transition to high definition TV for the country, and certainly in shifting the debate from an *analog* HDTV format to a *digital* one.

For me, the odyssey that began with an analog HDTV broadcast in this very room in 1987 was about the public interest. With the computer industry, the telephone industry, cable industry, wireless industry, all going "digital," it was important for economic growth and job creation to move the broadcast industry to digital too. Because it is a licensed industry and one which had tens of millions of consumers with analog TV sets, it was clear we needed a transition. Broadcasters were lent additional spectrum for transitional purposes and the law requires that when the transition is over they give back their analog spectrum.

Because broadcasters were special in that they had a responsibility to use their licenses in the public interest, it furthered the public interest to move them into the digital age so that they could continue their free over-the-air, public interest mission in local communities around the country. At the same time we were having our flurry of HDTV hearings, Congress was also passing the must-carry/retransmission consent provisions of the 1992 Cable Act. Those provisions also reflected the fact that broadcasters had a special role in our national media mix, and I know from first-hand experience that such broadcasters certainly hold a special place in Boston's media marketplace.

Simply put, the grant of additional spectrum for free as well as the government's requirement that cable operators carry broadcast signals and, under must carry, require that carriage to be free of charge represents extraordinary involvement in the marketplace on behalf of the broadcasters. We do this because they hold valuable licenses to the public's airways and because they are duty-bound to use those licenses in the public interest. Without such public interest obligations, in other words, there would be little justification for must-carry rights or free spectrum.

Since 1997, I have asked various broadcast witnesses at a series of hearings about their public interest commitment for the digital era. To their credit, each broadcast witness that I asked agreed that because their service would be enhanced in the digital format, their public interest commitment would similarly rise and be commensurate with the increased power and versatility of the digital medium. Each witness, however, resisted any articulation or quantification of what that digital public interest commitment would be. In addition, we are now four years into the FCC's regulatory proceeding on the public interest commitment of digital broadcasters with no end apparently in sight. For those of us in the policymaking realm who are prepared to endorse significant must-carry policy options, including so-called multicast must-carry, the lack of industry and regulatory progress on establishing public interest commitments is a concern.

The FCC Media Bureau proposal doesn't speak to this type of public interest obligation at all. It does have what seems to be a "Hail Mary-pass" proposal to end the DTV transition and get to the end zone sooner. Getting spectrum back sooner has obvious public interest and

economic benefits to offer both consumers and taxpayers alike. Importantly, even freeing up the upper portion of the broadcast spectrum for public safety would be a significant public interest achievement that has also eluded regulators for some years. Integral to the Media Bureau plan, however, is the notion that cable operators would take the digital signals of broadcasters and “down-convert” that signal to analog. In other words, cable consumers would receive their local digital TV broadcasters in analog format to bring the DTV transition to a more rapid conclusion.

Due to the likelihood of broadcasters multi-casting and splitting their signal into several digital feeds and the lack of any requirement that broadcasters actually broadcast in HDTV, over time we have tended in our policy discussions to drop the letter “H” – we typically talk now about DTV not HDTV. My concern with the Media Bureau proposal is that it seems to portend the dropping of the letter “D”. That would certainly be an “O. Henry-like” ending to our HDTV policy: we start 17 years ago with analog HDTV, move the Commission to a digital HDTV format, then Congress allows multicasting and many broadcasters move to the notion of simply DTV, only to have the Media Bureau turn around and bring us back to analog TV over cable systems. I understand that some think the marketplace will resuscitate the “D” for *digital* TV over time on cable systems, but I’m skeptical that it would work across the nation.

We must admit that at its core, the DTV transition represents a government-driven policy, not a purely market-driven phenomenon, and it is therefore imperative that government create the conditions and environment for policy success.

Again, I want to congratulate the Subcommittee Chairman Mr. Upton for calling this hearing and commend as well Ranking Member Mr. Dingell and Chairman Barton for their continued efforts in making our digital television policy work for the country.

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